

I. PRELIMINARY STATEMENT

1. This action is for claims arising out of an automobile accident wherein plaintiff Patricia Flynn was lawfully, and carefully driving her motor vehicle northbound on Route 95 through the city of Philadelphia near mile marker 29.2 when it was struck by a motor vehicle owned by defendant United States Department of Justice and defendant Bureau of Prisons, and then and there being driven by defendant Elizabeth Atkinson, an employee of the defendant United States Department of Justice and defendant Bureau of Prisons.

II. PARTIES

2. The plaintiffs are Patricia Flynn and Walter Flynn who are adult individuals and husband and wife who reside at 10397 South Dupont Highway, Felton, Delaware and are citizens of the State of Delaware.

3. Defendant, the United States Department of Justice is a federal executive department of the U.S. government with offices located at 200 Chestnut Street, Philadelphia, Pennsylvania 19106.

4. Defendant, the Federal Bureau of Prisons is a subdivision of the U.S. Justice Department with offices located at 200 Chestnut Street, Philadelphia, Pennsylvania 19106.

5. Defendant, Elizabeth Atkinson is an adult individual who resides at 2344 East Albert Street, Philadelphia, Pennsylvania 19125 and is a citizen of the Commonwealth of Pennsylvania.

III. JURISDICTION AND VENUE

6. This action is brought pursuant to 28 U.S.C. §1346 (b), that is, negligence of an employee of the United States acting within the scope of her employment. An Administrative Claim was properly filed and was denied on May 8, 2017; therefore the complaint is timely filed.

7. Venue properly lies in the United States District Court for the Eastern District of Pennsylvania under 28 U.S.C. §1402 (b) because this case arises out of an automobile accident which occurred in Philadelphia, Pennsylvania.

IV. FACTS

8. On or about May 11, 2016, plaintiff, Patricia Flynn was lawfully operating her automobile in a northerly direction on route I-95 near mile marker 29.2 in Philadelphia, Pennsylvania.

9. At or about the above time and place, defendant, Elizabeth Atkinson was driving her automobile also in a northerly direction on route I-95, Philadelphia, Pennsylvania; whereupon, the defendant so negligently and carelessly operated her automobile as to collide with plaintiff as a result of which the plaintiff sustained personal injuries hereinafter more specifically set forth.

10. All of the acts alleged to have been done or not done were done or not done by the defendants, their agents, servants, workmen or employees acting within the course and scope of their employment on behalf of the said defendants.

11. At all times material herein, Elizabeth Atkinson was the agent, servant, workman and employee of the defendants. The United States Department of Justice and the Federal Bureau of Prisons and was acting within the course and scope of her office and/or employment on behalf of the said defendants.

12. The negligence and carelessness of the defendants consisted of the following:

- a. causing a rear end collision;
- b. failing to maintain proper lookout upon the highway and to cars travelling thereon;
- c. violation of the rules of the road;
- d. violation of the assured clear distance rule;
- e. driving too fast for conditions;
- f. failing to regard the rights, safety and position of the plaintiff at the point aforesaid.

13. As a result of the negligence and carelessness of the defendants, plaintiff, Patricia Flynn sustained injuries to her body including but not limited her head, neck, shoulder, back, chest and elbow their nerves, cells, tissues, muscles and

functions, as well as a possible aggravation of a pre-existing condition some or all of which may be permanent in nature.

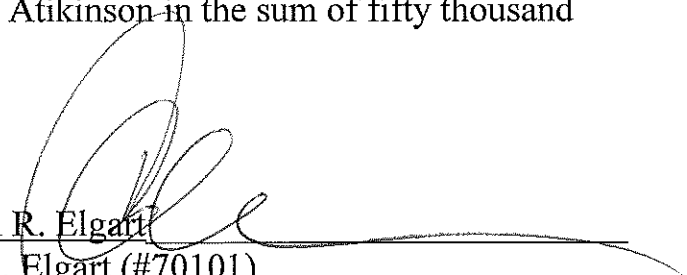
14. As a result of the negligence and carelessness of the defendants, plaintiff, Patricia Flynn has endured great physical pain and mental anguish and she may be caused endure such pain and suffering for an indefinite time into the future.

15. As a result of the negligence and carelessness of the defendants, plaintiff, Patricia Flynn has be unable to attend to her usual daily duties and occupations and has suffered a loss of earnings and earning capacity to her great detriment and loss.

16. As a result of the negligence and carelessness of the defendants, plaintiff, Patricia Flynn has been caused to expend great sums of money for medical care and treatment in an effort to cure herself of her injuries and she may be caused to expend further such sums in to the future.

17. As a further result of the accident aforementioned, plaintiff, Walter Flynn as husband of Patricia Flynn has been denied the society, services and companionship of his wife to his great detriment and loss.

WHEREFORE, plaintiffs, Patricia Flynn and Walter Flynn hereby demand judgement against the defendants, the United State Department of Justice, the Federal Bureau of Prisons and Elizabeth Atkinson in the sum of fifty thousand dollars (\$50,000.00).



/s/Adam R. Elgart

Adam R. Elgart (#70101)

Mattleman, Weinroth & Miller, PC

1845 Walnut Street, Suite 1199

Philadelphia, PA 19103

(215)923-2225 (Telephone)

(856)216-1491 (Facsimile)

Attorneys for Plaintiff